

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5285 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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BHARATKUMAR NANJIBHAI PARMAR

Versus

STATE OF GUJARAT

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Appearance:

MS JAYSHREE C BHATT for Petitioner  
Mr K M Mehta, AGP for Respondents

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CORAM : MR.JUSTICE N.N.MATHUR

Date of decision: 04/11/96

ORAL JUDGEMENT

The petitioner has challenged the order of detention dated 27.6.1996 passed by the Police Commissioner, Ahmedabad City under the provisions of Gujarat Prevention of Anti-Social Activities Act, 1985 (hereinafter referred to as 'the Act'). It is contended that the petitioner has been detained only on the ground that he is a bootlegger and there are two cases under investigation against him under the provisions of Bombay Prohibition Act, 1949. It is also statetd that the

petitioner has been detained for the reason that if the petitioner has been granted bail by the competent Board and on release, he may again indulge in Anti-Social activities. The learned Advocate relying on a decision in the case of Piyush v. Commissioner of Police, Ahmedabad, reported in AIR 1989 SC 491 and submits that there is no material to show that the activities of the petitioner as a bootlegger has further in any way disturb the public order or likely to disturb the public order.

2. I have gone through the record with the assistance of the learned Advocates. There is substance in the contention raised by the petitioner. There is no material to indicate that the petitioner as a bootlegger has further or likely to disturb the public order by his activities. Thus, the detention of the petitioner cannot be sustained.

3. In view of the aforesaid, this Special Civil Application is allowed. Order of detention dated 27.6.1996 is quashed and set aside and direct that the detenu be set at liberty forthwith unless required for any case.

Rule made absolute accordingly.

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